

KEVIN R. ALLEN / CA SB# 237994  
**ALLEN ATTORNEY GROUP**  
2121 N. California Blvd., Suite 290  
Walnut Creek CA 94596  
Tel: (925) 695-4913 / Fax: (925) 334-7477  
[kevin@allenattorneygroup.com](mailto:kevin@allenattorneygroup.com)

AUDREY A. GEE/ CA SB# 180988  
DAVID M. MARCHIANO / CA SB# 264809  
**BROWN, GEE & WENGER LLP**  
200 Pringle Avenue, Suite 400  
Walnut Creek CA 94596  
Tel: (925) 943-5000 / Fax: (925) 933-2100  
[agee@bgwcounsel.com](mailto:agee@bgwcounsel.com)  
[dmarchiano@bgwcounsel.com](mailto:dmarchiano@bgwcounsel.com)

Attorneys for Defendants  
INTEGRATED TECH GROUP, LLC and  
ITG COMMUNICATIONS LLC

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO**

PAUL MONPLAISIR, on behalf of himself and  
all others similarly situated,

Plaintiff,

v.

INTEGRATED TECH GROUP, LLC and ITG  
COMMUNICATIONS LLC,

Defendants.

CASE NO. 3:19-cv-01484-WHA

**OBJECTIONS TO DECLARATION OF  
MARCUS BRYDIE IN SUPPORT OF  
DEFENDANTS' OPPOSITION TO  
PLAINTIFF'S MOTION FOR  
CONDITIONAL CERTIFICATION  
AND TO FACILITATE NOTICE  
PURSUANT TO 29 U.S.C. § 216(b)**

Date: June 20, 2019  
Time: 11:00 a.m.  
Courtroom: 12, 19<sup>th</sup> Floor

Defendants INTEGRATED TECH GROUP, LLC and ITG COMMUNICATIONS LLC  
(Collectively, "Defendants"), in support of their Opposition to Plaintiffs' Motion for Conditional  
Certification and to Facilitate Notice Pursuant to 29 U.S.C § 216(b), submits the following  
objections and responses to the Declaration of Marcus Brydie filed on behalf of Plaintiffs on  
June 7, 2019. [DKT. 41-10]

OBJECTED-TO PORTION OF BRYDIE DECLARATION	GROUNDS FOR OBJECTION	COURT'S RULING
<p>¶6. ITG required that I underreport my time, resulting in a substantial number of hours worked for which I was not compensated. ITG told me to enter that my beginning time was typically an hour after I actually started working, and ITG typically required me to enter that I stopped working several hours before I actually stopped working. Specifically, Technician Supervisors instructed me to reduce my true hours worked in order to show higher production and increase my hourly rate. My Supervisors, Carmen, Junior and Huen, told me I was not allowed to clock in until 8:00 a.m. although I started working over an hour and a half (1.5 hours) earlier. My Supervisors, both Junior and Carmen, and my Manager Frank, told me to enter less hours and this would show higher production. Frank said, “the more jobs you complete, the more you get paid and to keep my hours down.”</p>	<p>Hearsay. [Fed. R. Evid. 801 &amp; 802.]</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>
<p>¶9. Approximately one day per week, I was also required to report to the warehouse even earlier so that ITG could perform an</p>	<p>Hearsay. [Fed. R. Evid. 801 &amp; 802.]</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>

<p>inventory of the equipment in my vehicle and so I could obtain additional equipment, e.g., modems, cable boxes, remotes, cable cords, coax cables, telephone line cubes, electrical tap, stickers, signs, nails, silicone, Ethernet cable, amplifiers, tie wrap, ground wire, DVR boxes, grounders (for aerial drops), splitters, fittings, plastic moldings and wood putty from ITG. My Supervisors, Carmen, Junior (Hemberto) and Huen instructed me not to enter the time spent during these inventory check-ins on my time sheets. As a result, I was not paid for those additional hours of work.</p>		
<p>¶10. My Supervisors Carmen, Junior (Hemberto) and Huen required me to attend mandatory weekly meetings to discuss installations and ways to increase productivity. These meetings were typically between forty (40) minutes to one hour and a half (1.5 hours) each week. I do not believe that I was paid for attending these meetings.</p>	<p>Lacks personal knowledge, lacks foundation, and calls for speculation. [Fed. R. Evid. 602.]</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>¶13. During the course of the day, ITG sometimes added or removed my job assignments from Tech Net, and later Tech 360. Throughout my employment there</p>	<p>Lacks personal knowledge, lacks foundation, and calls for speculation. [Fed. R. Evid. 602.]</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15	<p>were many times I would click on an assigned job, accept the job, enter the job location in the GPS, and drive to the customer's home. When I arrived at the job and parked the truck outside the customer's home, I would then sign into the job.</p> <p>Between two (2) and three (3) times a week, ITG removed the job from the system after I had already arrived at the customer's home. I typically waited an extra thirty (30) minutes for the job to come back, but it rarely did, even after I complained to my Supervisor. I do not believe that I was paid for the time spent driving to the canceled job or waiting for it to come back.</p>		
16 17 18 19 20 21 22 23 24	<p>¶14. Similarly, jobs were also taken away from me when I was in the middle of a job or had completed the job, but had not yet signed into Tech Net or Tech 360 to enter that I completed the job. I would call my Supervisor on duty, either Carmen, Junior or Huen, to complain and this was rarely resolved. I do not believe that I was paid for the time spent on these jobs.</p>	Lacks personal knowledge, lacks foundation, and calls for speculation. [Fed. R. Evid. 602.]	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
25 26 27 28	<p>¶16. My day usually ended between 7:30 p.m. and 8:30 p.m. I would drive home after completing my last job except for once</p>	Lacks personal knowledge, lacks foundation, and calls for speculation. [Fed. R.	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

1 2 3 4 5 6 7	every other week I would drive to the warehouse after my last job to return equipment and for ITG to check the status of the equipment. This usually took me about two (2) hours due to the long lines. I do not believe I was paid for this time.	Evid. 602.]	
8 9 10 11 12 13 14 15 16	¶19. Managers and Supervisors did not enforce a 30-minute meal period. Instead, I was directed by my Supervisors, Carmen, Junior and Huen, to work through my meal periods. Any time I took to eat would typically take place while I was driving from one job to another, and even then, I was required to have my phone on me at all times and be available to respond to any work calls.	Hearsay. [Fed. R. Evid. 801 & 802.]	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
17 18 19 20 21	¶20. I was considered “on duty” and I generally worked through my meal breaks. I do not believe I was paid appropriately.	Lacks personal knowledge, lacks foundation, and calls for speculation. [Fed. R. Evid. 602.]	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
22 23 24 25 26 27 28	¶22. My Supervisor instructed me to continue working until each job was finished. Once I would finish one job, I was instructed to move on to the next job. I was not allowed rest breaks.	Hearsay. [Fed. R. Evid. 801 & 802.]	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

¶23. I do not believe that I was paid for working through my rest breaks. I was considered “on duty” and, although I worked through my rest breaks. I do not believe I was paid appropriately.	Lacks personal knowledge, lacks foundation, and calls for speculation. [Fed. R. Evid. 602.]	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
¶24. ITG required me to attend a full day, mandatory orientation session to familiarize myself to ITG’s policies and practices. The orientation took a full day to complete and I do not believe that I was compensated for this time.	Lacks personal knowledge, lacks foundation, and calls for speculation. [Fed. R. Evid. 602.]	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
¶27. ITG would regularly delete codes for tasks I had completed, or change the codes to a lower paying code. My Supervisors, Carmen, Junior and Huen, would instruct me not to enter a code at all, even though I completed the corresponding task. My Supervisors, Carmen, Junior and Huen, told me not to enter any codes when assisting other Technicians with jobs.	Hearsay. [Fed. R. Evid. 801 & 802.]	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
¶28. My finalized time entries were not accurate and showed a lower number of hours than I actually worked. My time entries either omitted or underreported the actual amount of time I spent: attending orientation and training, working prior to my shifts, taking any meal break, working	Lacks personal knowledge, lacks foundation, and calls for speculation. [Fed. R. Evid. 602.]	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

1	on jobs that took over two hours, and		
2	driving to and between jobs.		
3	¶29. I did not receive accurate wage	Lacks personal knowledge,	<input type="checkbox"/> Sustained
4	statements. My pay stubs showed several	lacks foundation, and calls	<input type="checkbox"/> Overruled
5	regular and overtime rates, but they did not	for speculation. [Fed. R.	
6	reflect my specific tasks or jobs. My pay	Evid. 602.]	
7	stubs did not include all the hours I worked,		
8	compensation for missed meal and rest		
9	periods, or all of the jobs or tasks I		
10	completed.		
11	¶34. I believe that ITG made other	Lacks personal knowledge,	<input type="checkbox"/> Sustained
12	deductions from my pay. For example, if a	lacks foundation, and calls	<input type="checkbox"/> Overruled
13	customer called back with the same service	for speculation. [Fed. R.	
14	issue, or something was not working	Evid. 602.]	
15	properly, I believe replacement parts were		
16	deducted. I also believe that I was charged		
17	for equipment I never lost, and damage to a		
18	customer's home that never occurred. I		
19	could see the deductions on Penguin and		
20	would complain to my Supervisors,		
21	Carmen, Junior and Huen; but these issues		
22	would not get resolved. Once ITG		
23	transitioned to Fuse, I was not able to see		
24	any deductions. I believe that ITG continued		
25	to make these deductions.		

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Dated: July 1, 2019

Respectfully submitted,  
BROWN, GEE & WENGER LLP

*/s/ David M. Marchiano*  
  
AUDREY A. GEE  
DAVID M. MARCHIANO  
Attorneys for Defendants  
INTEGRATED TECH GROUP, LLC and  
ITG COMMUNICATIONS LLC